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12 UNITED STATES DISTRICT COURT
13 CENTRAL DISTRICT OF CALIFORNIA
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15 WILLIAM M. PATE, Acting Regional
16 Director of Region 21 of the National
17 Labor Relations Board, for and on
18 behalf of the NATIONAL LABOR
RELATIONS BOARD,

19 Petitioner,

20 v.

21 BODEGA LATINA CORPORATION,
22 D/B/A EL SUPER,

23 Respondent.
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Civil No. 2:15-cv-04228-GHK-AGR

MEMORANDUM OF POINTS AND
AUTHORITIES IN SUPPORT OF EX
PARTE ORDER SHORTENING
TIME FOR THE COURT TO HEAR
THE MOTION SEEKING LEAVE TO
AMEND THE CORRECTED
PETITION FOR TEMPORARY
INJUNCTION UNDER SECTION
10(J) OF THE NATIONAL LABOR
RELATIONS ACT, AS AMENDED
[(29 U.S.C. SEC. 160(J))]

Date: July 20, 2015

Time: 9:30 a.m.

Judge: Honorable George H. King

Courtroom: 650 Los Angeles, Roybal

1 Petitioner seeks an Order Shortening Time so that the filing of the Motion
2 Seeking Leave to Amend the Corrected Petition for Temporary Injunction under
3 Section 10(j) of the National Labor Relations Act, as Amended [29 U.S.C. Sec.
4 160(j)] with Supporting Exhibits (Motion to Amend) can be heard on July 20,
5 2015, the date the hearing on the Corrected Petition in this matter is currently
6 scheduled.
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9 Pursuant to Local Rule 7-19, Petitioner hereby notifies the Court that the
10 names and contact information of Respondent's counsel are as follows: Mark
11 Theodore and Tracey Lynn Silver, Proskauer Rose LLP, 2049 Century Park East,
12 Suite 3200, Los Angeles, California 90067; phone (310)557-2900; and e-mail
13 addresses mtheodore@proskauer.com and tsilver@proskauer.com. Respondent
14 objects and opposes both the Motion to Amend and Ex Parte Application.
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17 The Motion to Amend seeks to make one change to the remedy Petitioner is
18 requesting regarding reinstatement of Fermin Rodriguez, while everything else in
19 the Corrected Petition remains the same. The Application for Order Shortening
20 Time is consistent with the statutory priority for injunction proceedings, 28 U.S.C.
21 Sec. 1657(a), as well as Congressional recognition that the need for interim
22 injunctive relief requires expedition in Section 10(j) proceedings. See e.g. *Fuchs v.*
23 *Hood Industries, Inc.*, 590 F.2d 395, 397 (1st Cir. 1979).
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1 Under Local Rule 6-1, the earliest date the Motion to Amend would be heard
2 is August 3, 2015. However, since the hearing date on the Corrected Petition is
3 already scheduled for July 20, 2015, and the Motion to Amend as noted above,
4 seeks to change only one item with respect to the remedy involving Fermin
5 Rodriguez, Respondent would not suffer any harm in maintaining the July 20,
6 2015 hearing date and having to file an opposition on an expedited basis.
7 Moreover, under the briefing schedule set forth in the Proposed Order (filed
8 concurrently herewith), Respondent's counsel will have seven days to respond to
9 the Motion to Amend.
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12 For all of the reasons stated above, Petitioner respectfully requests that the
13 Motion to Amend be heard on July 20, 2015; that Respondent's opposition to the
14 Motion to Amend be filed by July 13, 2015; and that Petitioner's reply be filed by
15 July 16, 2015.
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20 DATED at Los Angeles, California, this 6th day of July, 2015.
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22 Submitted by,
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24 /s/ Margaret W. Serrano
25 MARGARET W. SERRANO
26 Attorney for Petitioner
27 National Labor Relations Board
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